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Honorable Fred Van Sickle

FILED IN THE
 U.S. DISTRICT COURT
 EASTERN DISTRICT OF WASHINGTON

JUL 17 2007

JAMES R. LARSEN, CLERK
 DEPUTY
 SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF WASHINGTON

JOHN R. ATCHLEY, a married man;
 MICHAEL GILROY, a married man,

Plaintiffs,

vs.

PEPPERIDGE FARM,
 INCORPORATED, a Connecticut
 corporation,

Defendant.

No. CV 04-452-FVS

STIPULATED
 PROTECTIVE ORDER

STIPULATION FOR PROTECTIVE ORDER

The parties by and through their undersigned counsel agree to entry of the
 Protective Order attached hereto. The Stipulation was entered into following

STIPULATED PROTECTIVE ORDER - 1

PAINE HAMBLER LLP
 717 WEST SPRAGUE AVENUE, SUITE 1200
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ORIGINAL

CLERK, U.S. DISTRICT COURT
 SPOKANE, WASHINGTON

1 review and negotiation of draft language, and upon recommendation of the
2
3 Discovery Master, The Honorable Harold D. Clarke, Jr. (Ret.).

4 The parties further stipulate that this Stipulation and Protective Order can
5
6 be presented for entry by the Discovery Master.

7 PAINE HAMBLER, LLP

MURPHY, BANTZ & BURY, P.S.

9 By: Approved Telephonically

By: Approved Telephonically

10 David L. Broom, WSBA #2096
11 Attorneys for Defendant

John F. Bury, WSBA #4949
Attorneys for Plaintiffs

PROTECTIVE ORDER

Pursuant to FRCP 26(c)(7) the court finds that good cause exists to protect all parties to this cause, and non-parties from annoyance, undue burden breach of an expectation of privacy and expense from the public disclosure of confidential documents or produced in discovery by the parties;

1. This Protective Order ("Protective Order") shall govern the treatment and handling of all documents or other products of discovery produced hereafter by the parties, to include, also information and documents produced following or pursuant to plaintiff's motion to compel dated August 17, 2005.

2. The Court hereby designates all documents and information hereafter produced in discovery and statistical and record information previously furnished regarding the Western Region thrift return under the Civil Rules to be confidential (hereafter Confidential Information) and thus subject to the terms of this protective order.

3. Therefore documents discovered in this cause shall not be disclosed or disseminated by counsel to any other person or entity, with the following exceptions.

1 a. Documents part of any required filing with or submission to a
2 government entity.

3
4 b. Use of such documents for trial preparation by paralegal or
5 secretarial staff of counsel is allowed by this Protective Order, subject to all other
6 conditions of this Protective Order which govern counsel's attorney's use of such
7 confidential information;
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9 c. Documents discovered may be provided to expert witnesses, or
10 consultants by counsel provided such expert witnesses or consultants, before being
11 allowed to see any confidential documents in writing acknowledge receipt bound
12 by the terms of this Protective Order. The prohibition of this paragraph shall apply
13 in all circumstances, including, but not limited to, depositions in this case.
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16 4. All persons having access to Confidential Information made available
17 pursuant to this agreement shall agree not to make any use of said Confidential
18 Information except in connection with the above-captioned litigation and shall
19 further agree not to deliver or transfer said Confidential Information to any person
20 not previously authorized by the terms herein.
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23 5. Counsel disclosing Confidential Information to any person or entity
24 shall be responsible for limiting distribution of the Confidential Information to
25 those persons who both (1) have a need to know the information, and (2) are
26
27

1 authorized to receive the information under this Protective Order. Counsel shall
2 be prepared to account for the disposition and use of the information by those
3 persons.
4

5 6. All copies or purveyance of Confidential Information disclosed under
6 this agreement shall be subject to the same restrictions as imposed on the original
7 information.
8

9 7. All documents discovered thereafter disclosed to any person pursuant
10 to this Protective Order shall remain in the possession only of counsel, the parties,
11 or the experts or consultants to whom they are disclosed as provided by this order.
12

13 8. Following final termination of this litigation, counsel for the
14 furnishing party may request that any and all documents furnished in discovery, or
15 copies thereof, be returned to furnishing counsel; *provided that* any such request
16 must be made within a reasonable time following termination of this litigation.
17 Upon such request, all requested documents and copies shall be returned to
18 furnishing counsel.
19

20 9. Discovered documents may be disclosed in regular proceedings of this
21 court subject to agreed methodology for maintaining confidentiality and clerks
22 papers, witness and exhibit indexes, and the like.
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1 10. No modification or amendment of this Protective Order is permitted
2 except by a writing signed by counsel for the parties and approved by the court.
3

4 The parties hereto agree that it is unreasonable to rely on any oral modification or
5 amendment of this agreement.
6

7 11. The failure to insist upon full compliance with any of the terms of the
8 Protective Order in any instance shall not be deemed to be a waiver of the right to
9 insist upon full compliance with those terms thereafter.
10


11 12. Any violation of the terms of this Protective Order shall subject the
12 violator to sanctions as determined by the court.
13

14 **PROTECTIVE ORDER**

15 Pursuant to IRCP 26(c) and the foregoing Stipulation of counsel,
16

17 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that this
18 Protective Order shall and it hereby does incorporate the terms set forth herein.
19

20 DATED this 16th day of July 2007.

21 
22 HONORABLE HAROLD D. CLARKE, JR. (RET)
23 DISCOVERY MASTER
24
25
26
27

1 **PRESENTED BY:**

2 PAINE HAMBLER, LLP

3
4
5 By: Approved Telephonically
6 David L. Broom, WSBA #2096
7 Attorney for Defendant

8 **COPY RECEIVED AND NOTICE**
9 **OF PRESENTMENT WAIVED:**

10 MURPHY, BANTZ & BURY, P.S.

11
12 By: Approved Telephonically
13 John F. Bury, WSBA #4949
14 Attorneys for Plaintiffs

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28 STIPULATED PROTECTIVE ORDER - 7

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